

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

(CHIEF) COL. MICHAEL S. OWL FEATHER-GORBEY,

Petitioner,

v.

CIVIL ACTION NO. 5:22-cv-00183

WARDEN HECKARD, FCI Beckley,

Respondent.

**ORDER**

Pending are Petitioner Michal S. Owl Feather-Gorbey's Petition for Writ of Habeas Corpus under § 2241 [Doc. 1-1], filed in the Circuit Court of Raleigh County on March 16, 2022, and removed on April 14, 2022, Respondent Warden Heckard's Motion to Dismiss [Doc. 3], filed April 22, 2022, and Petitioner Michael S. Owl Feather-Gorbey's Motion to Remand [Doc. 4], filed May 16, 2022. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R on January 31, 2023. Magistrate Judge Tinsley recommended that the Court grant Warden Heckard's Motion to Dismiss, deny Mr. Feather-Gorbey's Motion to Remand, dismiss Mr. Feather-Gorbey's Section 2241 Petition for Writ of Habeas Corpus, and remove this matter from the docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis

added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on February 17, 2023. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 5**], **GRANTS** Warden Heckard's Motion to Dismiss [**Doc. 3**], **DENIES** Mr. Feather-Gorbey's Motion to Remand [**Doc. 4**], **DISMISSES** Mr. Feather-Gorbey's Section 2241 Petition for Writ of Habeas Corpus [**Doc. 1-1**], and **MOVES** this matter from the docket.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: March 1, 2023



Frank W. Volk  
United States District Judge